

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JFW

Applicant: Patrick Miles et al.

Title: Surgical Access System and Related Methods

Docket No.: 80100.039US1

Serial No.: 10/759,811

Filed: January 16, 2004

Due Date: N/A

Examiner: Unknown

Group Art Unit: 3764

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



We are transmitting herewith the following attached items (as indicated with an "X"):

A return postcard.
 An Information Disclosure Statement (2 pgs.), Form 1449 (4 pgs.), and copies of 18 cited documents.

If not provided for in a separate paper filed herewith, Please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 50-2040.

By

Jonathan Spangler
Reg. No. 40,182
JS:mjm

11-4-04

CUSTOMER NUMBER: 30.328

Name

MEREDITH MESCHER

Signature

Meredith Mescher

(GENERAL)

S/N 10/759,811

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Patrick Miles et al. Examiner: Unknown
Serial No.: 10/759,811 Group Art Unit: 3764
Filed: January 16, 2004 Docket: 80100.039US1
Title: Surgical Access System and Related Methods

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In compliance with the duty imposed by 37 C.F.R. § 1.56, and in accordance with 37 C.F.R. §§ 1.97 *et. seq.*, the enclosed materials are brought to the attention of the Examiner for consideration in connection with the above-identified patent application. Applicants respectfully request that this Information Disclosure Statement be entered and the documents listed on the attached Form 1449 be considered by the Examiner and made of record. Pursuant to the provisions of MPEP 609, Applicants request that a copy of the 1449 form, initialed as being considered by the Examiner, be returned to the Applicants with the next official communication.

Pursuant to 37 C.F.R. §1.97(b), it is believed that no fee or statement is required with the Information Disclosure Statement. However, if an Office Action on the merits has been mailed, the Commissioner is hereby authorized to charge the required fees to Deposit Account No. 50-2040 in order to have this Information Disclosure Statement considered.

Applicant believes that the U.S. Patent & Trademark Office has waived the requirement under 37 C.F.R. 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication. The waiver is provided in a pre-OG notice from the U.S. Patent & Trademark Office entitled "Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003" and dated July 11, 2003. Applicant acknowledges the requirement to submit copies of foreign patent documents and non-patent literature in accordance with 37 C.F.R. 1.98(a)(2).

INFORMATION DISCLOSURE STATEMENT
Serial No :10/759,811
Filing Date: January 16, 2004
Title: Surgical Access System and Related Methods

Page 2
Dkt: 80100.039US1

The Examiner is invited to contact the Applicants' Representative at the below-listed telephone number if there are any questions regarding this communication.

Respectfully submitted,

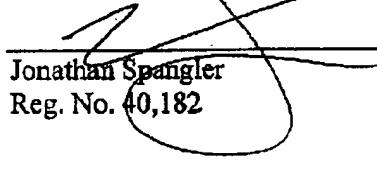
PATRICK MILES ET AL.

By their Representatives,

CUSTOMER NUMBER: 30,328
858-527-1936

Date 11-4-04

By


Jonathan Spangler
Reg. No. 40,182

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 5 day of November, 2004.

MEREDITH MESCHER

Name

Meredith Mescher

Signature

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Use as many sheets as necessary)

Sheet 1 of 4

Complete if Known

Application Number	10/759,811
Filing Date	January 16, 2004
First Named Inventor	Miles, Patrick
Group Art Unit	3764
Examiner Name	Unknown

Attorney Docket No: 80100.039US1

US PATENT DOCUMENTS

Examiner Initial *	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	US-20020007129A1	01/17/2002	Marino, J. F.	
	US-20020072686A1	06/13/2002	Hoey, M. , et al.	
	US-2,704,064	03/15/1955	Fizzell, J. A., et al.	
	US-3,364,929	01/23/1968	Ide, W. S., et al.	
	US-3,664,329	05/23/1972	Naylor, R. N.	
	US-3,682,162	08/08/1972	Colyer, J. E.	
	US-3,785,368	01/15/1974	McCarthy, T. M., et al.	
	US-3,830,226	08/20/1974	Staub, D. E., et al.	
	US-3,957,036	05/18/1976	Normann, N. A.	
	US-4,099,519	07/11/1978	Warren, F. E.	
	US-4,207,897	06/17/1980	Lloyd, J. W., et al.	
	US-4,224,949	09/30/1980	Scott, Norman R., et al.	
	US-4,235,242	11/25/1980	Howson, David C., et al.	
	US-4,285,347	08/25/1981	Hess, S. R.	
	US-4,291,705	09/29/1981	Severinghaus, John W., et al.	
	US-4,515,168	05/07/1985	Chester, M. H., et al.	
	US-4,519,403	05/28/1985	Dickhudt, E. A.	
	US-4,545,374	10/08/1985	Jacobson, R. E.	
	US-4,561,445	12/31/1985	Berke, Joseph , et al.	
	US-4,592,369	06/03/1986	Davis, Graham R., et al.	
	US-4,595,018	06/17/1986	Rantala, B.	
	US-4,633,889	01/06/1987	Talalla, A.	
	US-4,658,835	04/21/1987	Pohndorf, P. J.	
	US-4,744,371	05/17/1988	Harris, D. L.	
	US-4,759,377	07/26/1988	Dykstra, Dennis D.	
	US-4,807,642	02/28/1989	Brown, David A.	
	US-4,892,105	01/09/1990	Prass, R. L.	
	US-4,926,865	05/22/1990	Oman, P. S.	
	US-4,962,766	10/16/1990	Herzon, G. D.	
	US-4,964,411	10/23/1990	Johnson, Michael T., et al.	
	US-5,007,902	04/16/1991	Witt, H.	

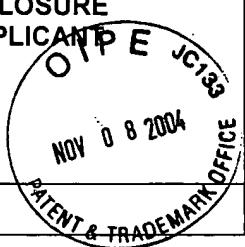
EXAMINER**DATE CONSIDERED**

Substitute Disclosure Statement Form (PTO-1449)

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional) 2 Applicant is to place a check mark here if English language Translation is attached

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Use as many sheets as necessary)


Complete if Known

Application Number	10/759,811
Filing Date	January 16, 2004
First Named Inventor	Miles, Patrick
Group Art Unit	3764
Examiner Name	Unknown

Sheet 2 of 4

Attorney Docket No: 80100.039US1

US-5,058,602	10/22/1991	Brody, Stanley R.
US-5,081,990	01/21/1992	Deletis, Vedran
US-5,092,344	03/03/1992	Lee, T.
US-5,127,403	07/07/1992	Brownlee, Robert R.
US-5,161,533	11/10/1992	Prass, Richard L., et al.
US-5,196,015	03/23/1993	Neubardt, Seth L.
US-5,255,691	10/26/1993	Otten, L. M.
US-5,282,468	02/01/1994	Klepinski, R. J.
US-5,284,153	02/08/1994	Raymond, S. A., et al.
US-5,284,154	02/08/1994	Raymond, S. A., et al.
US-5,312,417	05/17/1994	Wilk, Peter
US-5,313,956	05/24/1994	Knutsson, E. , et al.
US-5,327,902	07/12/1994	Lemmen, R. D.
US-5,333,618	08/02/1994	Lekhtman, G. , et al.
US-5,375,067	12/20/1994	Berchin, G. J.
US-5,383,876	01/24/1995	Nardella, Paul
US-5,474,558	12/12/1995	Neubardt, S. L.
US-5,482,038	01/09/1996	Ruff, L. H.
US-5,540,235	07/30/1996	Wilson, J. R.
US-5,549,656	08/27/1996	Reiss, H. W.
US-5,560,372	10/01/1996	Cory, P. C.
US-5,566,678	10/22/1996	Cadwell, J. A.
US-5,579,781	12/03/1996	Cooke, Thomas H.
US-5,593,429	01/14/1997	Ruff, L. H.
US-5,630,813	05/20/1997	Kieturakis, M. J.
US-5,671,752	09/30/1997	Sinderby, Christer , et al.
US-5,707,359	01/13/1998	Bufalini, Bruno
US-5,711,307	01/27/1998	Smits, Matthijs P.
US-5,775,331	07/07/1998	Raymond, S. A., et al.
US-5,779,642	04/14/1998	Nightengale, Christopher
US-5,797,854	08/25/1998	Hedgecock, J. L.
US-5,814,073	09/29/1998	Bonutti, Peter
US-5,830,151	11/03/1998	Hadzic, A. , et al.
US-5,851,191	12/22/1998	Gozani, S. N.
US-5,853,373	12/29/1998	Griffith, R. L., et al.
US-5,885,219	03/23/1999	Nightengale, C.
US-5,888,196	03/30/1999	Bonutti, Peter M.
US-5,928,158	07/01/1999	Aristides, A.
US-5,976,094	11/02/1999	Gozani, S. N., et al.

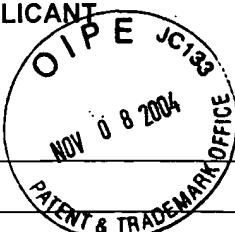
EXAMINER

DATE CONSIDERED

Substitute Disclosure Statement Form (PTO-1449)

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
 1 Applicant's unique citation designation number (optional) 2 Applicant is to place a check mark here if English language Translation is attached

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Use as many sheets as necessary)


Complete if Known

Application Number	10/759,811
Filing Date	January 16, 2004
First Named Inventor	Miles, Patrick
Group Art Unit	3764
Examiner Name	Unknown

Sheet 3 of 4

Attorney Docket No: 80100.039US1

	US-6,004,262	12/21/1999	Putz, D. A., et al.	
	US-6,027,456	02/22/2000	Feler, C. A., et al.	
	US-6,038,477	03/14/2000	Kayyali, H. A.	
	US-6,050,992	04/18/2000	Nichols, C.	
	US-6,104,957	08/15/2000	Alo, K. M., et al.	
	US-6,132,386	10/17/2000	Gozani, S. N., et al.	
	US-6,132,387	10/17/2000	Gozani, S. N., et al.	
	US-6,135,965	10/24/2000	Tumer, K. , et al.	
	US-6,146,335	11/14/2000	Gozani, S. N.	
	US-6,161,047	12/12/2000	King, G. W., et al.	
	US-6,224,549	05/01/2001	Drongelen, W. V.	
	US-6,259,945	07/10/2001	Epstein, R. , et al.	
	US-6,266,558	07/24/2001	Gozani, Shai N., et al.	
	US-6,292,701	09/01/2001	Prass, R. L., et al.	
	US-6,312,392	11/01/2001	Herzon, G. D.	
	US-6,466,817	10/01/2002	Kaula, N. F., et al.	
	US-6,500,128	12/31/2002	Marino, J. F.	
	US-6,564,078	05/13/2003	Marino, J. F., et al.	
	US-R,E34,390	09/28/1993	Culver, N. D.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ²
	WO-0066217A1	11/09/2000	Epstein, R. , et al.		

OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		BOSE, BIKASH , et al., "Neurophysiologic Monitoring of Spinal Nerve Root Function During Instrumented Posterior Lumbar Spine Surgery", <u>Spine</u> , 27(13), (2002),1444-1450	
		CALANCIE, BLAIR , et al., "Stimulus-Evoked EMG Monitoring During Transpedicular Lumbosacral Spine Instrumentation", <u>Spine</u> , 19(24), (1994),2780-2786	
		CLEMENTS, DAVID , et al., "Evoked and Spontaneous Electromyography to Evaluate Lumbosacral Pedicle Screw Placement", <u>Spine</u> , 21(5), (1996),600-604	
		FORD, DOUGLAS , et al., "Electrical Characteristics of Peripheral Nerve Stimulators Implications for Nerve Localization", <u>Regional Anesthesia</u> , 9, (1984),73-77	
		GLASSMAN, STEVEN , et al., "A Prospective Analysis of Intraoperative Electromyographic Monitoring of Pedicle Screw Placement With Computed Tomographic Scan Confirmation", <u>Spine</u> , 20(12), (1995),1375-1379	

EXAMINER**DATE CONSIDERED**

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <small>(Use as many sheets as necessary)</small>		Complete if Known	
		Application Number	10/759,811
		Filing Date	January 16, 2004
		First Named Inventor	Miles, Patrick
		Group Art Unit	3764
		Examiner Name	Unknown
Sheet 4 of 4 PATENT & TRADEMARK OFFICE		Attorney Docket No: 80100.039US1	

OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		GREENBLATT, GORDON , et al., "Needle Nerve Stimulator-Locator: Nerve Blocks with a New Instrument for Locating Nerves", <u>Anesthesia & Analgesia</u> , 41(5), (1962),599-602	
		HOLLAND, NEIL , "Intraoperative Electromyography During Thoracolumbar Spinal Surgery", <u>Spine</u> , 23(17), (1998),1915-1922	
		LENKE, LAWRENCE , et al., "Triggered Electromyographic Threshold for Accuracy of Pedicle Screw Placement", <u>Spine</u> , 20 (14), (1995),1585-1591	
		MAGUIRE, J. , et al., "Evaluation of Intrapedicular Screw Position Using Intraoperative Evoked Electromyography", <u>Spine</u> , 20(9), (1995),1068-1074	
		MARTIN, DAVID , et al., "Initiation of Erection and Semen Release by Rectal Probe Electrostimulation (RPE)", <u>The Williams & Wilkins Co.</u> , (1983),637-642	
		PITHER, CHARLES , et al., ""The Use of Peripheral Nerve Stimulators for Regional Anesthesia: Review of Experimental Characteristics, Technique, and Clinical Applications"" , <u>Regional Anesthesia</u> , (1985),10:47-53	
		RAJ, P. , et al., "Infraclavicular Brachial Plexus Block - A New Approach", <u>Anesthesia and Analgesia</u> , (52)6, (1973),897-904	
		RAJ, P. , et al., "The Use of Peripheral Nerve Stimulators For Regional Anesthesia", <u>Clinical Issues In Regional Anesthesia</u> , 1 (4), (1985),1-6	
		RAJ, P. , et al., "Use of The nerve Stimulator of Peripheral Blocks", <u>Regional Anesthesia</u> , (apr-jun 1980),14-21	
		RAYMOND, STEPHEN , et al., "The Nerve Seeker: A System for Automated Nerve Localization", <u>Regional Anesthesia</u> , 17(3), (1992),151-162	
		SHAFIK, AHMED , "Cavernous Nerve Simulation through an Extrapelvic Subpubic Approach: Role in Pencil Erection", <u>Eur. Urol</u> , 26, (1994),98-102	
		TOLEIKIS, J. , et al., "The Usefulness of Electrical Stimulation for Assessing Pedicle Screw Replacements", <u>Journal of Spinal Disorder</u> , 13(4), (2000),283-289	

EXAMINER**DATE CONSIDERED**